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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,706	06/19/2001	Patrick W. Breslin	57111-5061	4055
24574	7590	05/19/2004	EXAMINER	
JEFFER, MANGELS, BUTLER & MARMARO, LLP 1900 AVENUE OF THE STARS, 7TH FLOOR LOS ANGELES, CA 90067			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,706

Applicant(s)

BRESLIN ET AL.

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 30-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 15, 16, 18, 19 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6-14, 17, 20-22 and 26-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: attachments 1-4.

DETAILED ACTION

1. This Office Action is in response to applicant's reconsideration filed on April 13, 2004.

Specification

2. The specification is objected to because of the following informalities:

The specification recite the limitation "a rotator clevis". According to the definition of a clevis, see attachment #1, a clevis is a shackle. A shackle, see attachment #2, is a usually U-shaped fastening device secured by a bolt or pin through holes in the end of the two arms. Another definition founded for a clevis, see attachment #3, described as a piece of metal bent in the form of an oxbow (U-shape), with two ends perforated to receive a pin. In other words, a clevis is a U-shaped body having two arms perforated at the ends to receive a pin, see attachment 4.

According to the specification, the applicant recites that element 64 is a "clevis" comprising a tube 72 having a pair of spaced forks 74 extending therefrom (Page 8 Lines 24 and 25). The "clevis" is secured to the elongated shaft 62 by a roll pin 67 or a set of screws (Page 8 Line 27). The latch lever 22 includes an engagement member 78 that extends through the opening 76 and engages the "clevis" 64. The engagement member 78 is received within the forks 74 (Page 9 Lines 18-22).

As seen in the specification and in the drawings, element 64 is not a clevis, is just a fork member having a U-shape.

Art Unit: 3676

Therefore, in order to continue with the examination, element 64 will be considered as a fork member having a U-shape with two arms 74.

Appropriate correction is required.

Claim Objections

3. **Claim 4 is objected** to because of the following informalities:

- Claim 4 Line 1, change "The latching system of claim 1", as -The latching system of claim 3-. Claim 3 is the claim that recites the base plate, not claim 1.

For this office action only, claim 4 will be considered as depending from claim 3.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1,5,6,18,19 and 23-25 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,003,614 to Geer et al (Geer).

Regarding claim 1 and 23-25, Geer discloses a latching system base (11') and a closable member (12,13 and 14).

An elongated member (20) is rotatably secure to the closable member. The elongated member includes a first connector (19) and a fork member (21) secure to the elongated member.

Art Unit: 3676

A latch plate assembly is hingedly secure to the closable member (at 17). The assembly includes a handle (16) and a latch lever (16a) extending from the handle. The latch lever is in mechanical communication with the fork member (21).

As to claim 5, Geer discloses that the fork member (21) includes a tube (22) having the forks extending therefrom (Figure 4).

As to claim 6, Geer illustrates that the latch lever (16a) includes an engaging member having at least one opposed knob extending therefrom (the end of 16a) and engaging at least one fork of the fork member (Figure 4).

As to claim 18, Geer discloses that the closable member (12,13 and 14) is adapted to engage the base (11').

As to claim 19, Geer discloses that the handle includes a handhold end (44 and 45) and a hinge end (connection of 16 and 16b), wherein the handholds end has a serration defined therein.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 15 and 16 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,003,614 to Geer et al (Geer).

Art Unit: 3676

Regarding claim 15, Geer fails to disclose that the handle is made of aluminum. Geer discloses and illustrates that is made of metal. However, aluminum is a well-known material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the handle made of aluminum, in order to use the characteristics of the material in favor of the construction of the handle.

As to claim 16, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Allowable Subject Matter

8. **Claims 2,3,12,26 and 29 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. **Claims 4,6-11,13,14,17,20-22,27 and 28 would also be allowed** because the claims depend from claims 2,3,12,26 and 29 respectively.

Reasons For Allowable Subject Matter

9. The following is an examiner's statement of reasons for allowable subject matter:

Claims 2,3,12,26 and 29 present allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the elongated member includes a second connector that is engaged to an end of the elongated member, opposite to the first connector (claim 2), that the latch plate assembly further

Art Unit: 3676

includes a base plate wherein the handle is hingedly secure to the base plate (claims 3 and 26), and that the elongated member is an elongated shaft (claims 12 and 29).

As to claim 2, Geer illustrates a second connector (Figure 1), however this second connector is not engaged to an end of the elongated member, opposite to the first connector.

As to claims 3 and 26, Geer fails to disclose that the handle is secured to a base plate.

As to claims 12 and 29, Geer fails to disclose that the elongated is an elongated shaft. Geer discloses that the elongated member is a pin.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 3676

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

Carlos Lugo
AU 3677

May 10, 2004.

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is fluid and cursive, with a large initial 'D'.

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600



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Not a
Search

Dictionary

Search or Browse?

Different types of questions require different methods of research.

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If you want a specific answer or hope to discover unexpected relationships, searching can offer both precision and the possibility of new directions for exploration. [Learn more about searching.](#)

Merriam-Webster's Online Dictionary



Search



Thesaurus

Main Entry: clev·is

Pronunciation: 'kle-v&s

Function: *noun*

Etymology: earlier *clevi*, perhaps of Scandinavian origin; akin to Old Norse *kljufa* to split -- more at CLEAVE

Date: 1592

SHACKLE 3

Dictionary Pronunciation Key

\&\ as a and u in

abut

\[^&]\ as e in kitten

\&r\ as ur and er in
further

\a\ as a in ash

\A\ as a in ace

\ä\ as o in mop

\au\ as ou in out

\ch\ as ch in chin

\e\ as e in bet

\E\ as ea in easy

\g\ as g in go

\i\ as i in hit

\I\ as i in ice

\j\ as j in job

\[ng]\ as ng in sing

\O\ as o in go

\o\ as aw in law

\oi\ as oy in boy

\th\ as th in thin

\[th_]\ as th in the

\ü\ as oo in loot

\u\ as oo in foot

\y\ as y in yet

\zh\ as si in vision

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ATTACHMENT #1



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Not a
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Dictionary

Search or Browse?

Different types of questions require different methods of research.

If your interests are broad and general, browsing can lead you to a variety of interesting articles presented in an organized system. [Learn more about browsing.](#)

If you want a specific answer or hope to discover unexpected relationships, searching can offer both precision and the possibility of new directions for exploration. [Learn more about searching.](#)

Merriam-Webster's Online Dictionary



Search



2 words found.

To view an entry in the list, highlight it and click on GO TO.

Thesaurus

Go To

shackle[1,noun]

shackle[2,transitive verb]

Main Entry: ¹shack·le

Pronunciation: 'sha-k&l

Function: *noun*

Etymology: Middle English *schakel*, from Old English *sceacul*; akin to Old Norse *skokull* pole of a cart

Date: before 12th century

1 : something (as a manacle or fetter) that confines the legs or arms

2 : something that checks or prevents free action as if by fetters -- usually used in plural

3 : a usually U-shaped fastening device secured by a bolt or pin through holes in the end of the two arms

4 : a length of cable or anchor chain of usually 15 fathoms

Dictionary Pronunciation Key

\&\ as a and u in
abut

\[^&]\ as e in kitten

\&r\ as ur and er in
further

\a\ as a in ash

\A\ as a in ace

\ä\ as o in mop

\au\ as ou in out

\e\ as e in bet

\E\ as ea in easy

\g\ as g in go

\i\ as i in hit

\I\ as i in ice

\j\ as j in job

\[ng]\ as ng in sing

\O\ as o in go

\o\ as aw in law

\oi\ as oy in boy

\th\ as th in thin

\[th_]\ as th in the

\ü\ as oo in loot

\u\ as oo in foot

\y\ as y in yet

\zh\ as si in vision



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CLEVIS: Dictionary Entry and Meaning

Pronunciation: 'klevis**WordNet Dictionary****Definition:** [n] a coupling to attach a drawbar to a plow or wagon or trailer etc.**See Also:** coupler, coupling**Webster's 1913 Dictionary**

Definition: \Clev"is\, n. (Cf. {Cleave} to adhere, {Clavel}).
A piece of metal bent in the form of an oxbow, with the two ends perforated to receive a pin, used on the end of the tongue of a plow, wagen, etc., to attach it to a draft chain, whiffletree, etc.; -- called also {clavel}, {clevy}.

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ATTACHMENT #3

1/2 to 30 inches

STAINLESS STEEL, ADJUSTABLE

CLEVIS

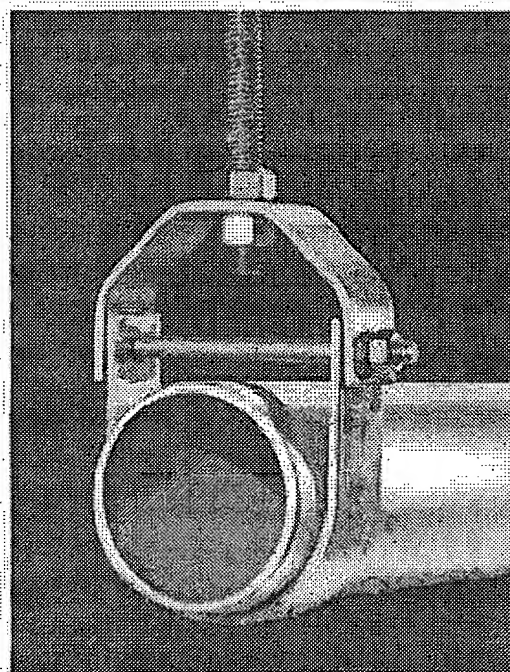
Stainless steel clevis hangers by Eckstrom are recommended for the suspension of stationary non-insulated pipe requiring vertical adjustment.

Long lasting, reusable and flexible

- Eckstrom stainless steel clevis hanger will never need painting or maintenance of any kind.
- It can easily be removed and reused at your convenience.
- Vertical adjustment can be made without removing the pipe.

Material

- ASTM A240 Stainless Steel.
- Normal stock T304.
- Also available in T316.



Service

Recommended suspension lines. All with insulating protection.

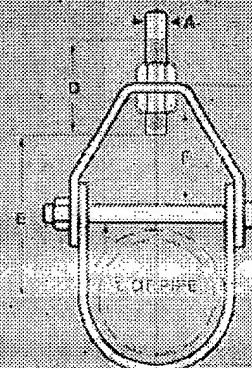
Special

Complies with WW-H-1 Manuf Standard MSS SP

Design Standard No. 183

DIMENSION TABLE (Inches)

PIPE SIZE	A	B	C	D	E	F	RATED LOAD 650°F	WEIGHT LBS/EACH
1/2	3/8	1	2 1/4	2 1/2	3	3/8	610	.35
3/4	3/8	1 1/8	2 3/8	2 1/2	3	3/8	610	.40
1	3/8	2 1/8	2 13/16	2 1/2	3 1/4	3/8	610	.45
1 1/4	3/8	2 5/16	3 2/16	2 1/2	3 3/4	3/8	610	.46
1 1/2	3/8	3	4	2 1/2	3 1/2	13/16	610	.55
2	3/8	3 1/16	4 7/8	2 1/2	3 5/8	1 5/8	610	.62
2 1/2	3/8	4 1/16	5 1/4	3	3 3/4	2	1130	1.41
3	3/8	4 3/4	5 3/8	3	3 7/8	2 1/4	1130	1.45
3 1/2	3/8	4 7/8	5 15/16	3	3 7/8	2 1/2	1130	1.57
4	3/8	5 1/8	7 1/16	3 1/2	4 1/8	2 3/4	1430	2.00
5	3/8	5 3/8	9	3 1/2	5 1/8	3 1/4	1430	2.42
6	3/8	5 15/16	10 1/8	4	5 5/8	3 3/4	1640	3.32
8	7/8	6 5/16	12 1/4	4 3/4	6 1/2	4 1/2	2000	5.03
10	7/8	6 7/8	15 1/4	5 1/2	6 3/4	5 1/4	3600	8.96
12	7/8	11 1/16	17 1/4	5 3/4	6 3/4	5 3/4	3600	11.02
14	1	12 1/2	19 1/16	5 3/4	10 1/4	6 1/2	4200	14.99
16	1	13 1/16	21 1/4	6	10 3/4	6 3/4	4600	22.00
18	1	15 1/4	25	6 1/2	11	7	4800	28.00
20	1 1/4	17 1/2	27 1/2	7	11 1/2	7 1/2	4800	35.76
24	1 1/4	19 3/8	31 3/4	7 1/2	17 1/2	8 1/4	4800	52.00
26	1 1/4	20 3/4	34 3/4	8 1/2	18 1/2	9 1/4	4800	57.00



- A - Flange hole size
B - Pipe to top of hanger
C - Bottom of pipe to top of hanger
D - Minimum thread length of hanger body
E - Pin hole to top of hanger body
F - Adjustment of pin to top of hanger body

NOTES: 1. Hanger body and pin may be painted. 2. Hanger body and pin may be painted. 3. Hanger body and pin may be painted.

*WARNING: Test and adjust as per attachment. The higher rated pull should be used when the hanger is used to suspend.

ATTACHMENT #4